

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>8/23/2023</u>
---

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MICHAEL ROSS, Derivatively on Behalf of :  
Nominal Defendant APPHARVEST, INC., :  
:   
Plaintiff, :  
-against- :  
:   
:   
KIRAN BHATRAJU, CIARA BURNHAM, :  
GREGORY COUCH, ANNA MASON, MARTHA :  
STEWART, R. GEOFF ROCHESTER, JEFFREY :  
UBBEN, JONATHAN WEBB, DAVID LEE, and :  
LOREN EGGLETON, :  
:   
Defendants. :  
-----X

22-CV-2037 (VEC)  
22-CV-5031(VEC)

ORDER

-----X  
ZACH WESTER, Derivatively on Behalf of :  
Nominal Defendant APPHARVEST, INC., :  
:   
Plaintiff, :  
-against- :  
:   
:   
KIRAN BHATRAJU, CIARA BURNHAM, :  
GREGORY COUCH, ANNA MASON, :  
MARTHA STEWART, R. GEOFF ROCHESTER, :  
JEFFREY UBBEN, ROBERT J. LAIKIN, :  
JONATHAN WEBB, DAVID LEE, and LOREN :  
EGGLETON, :  
:   
Defendants, :  
and, :  
:   
APPHARVEST, INC., :  
Nominal Defendant. :  
-----X

VALERIE CAPRONI, United States District Judge:

WHEREAS on July 22, 2022, the Court granted Plaintiffs' request to consolidate Case  
Nos. 22-CV-2037 and 22-CV-5031 pursuant to Fed. R. Civ. P. 42(a)(2), Dkt. 26;

WHEREAS the Court stayed both cases pending a decision on the motion to dismiss in the related action of 21-CV-7985, *Ragan v. AppHarvest, Inc. et al.* (“*Ragan*”);

WHEREAS on July 31, 2023, Defendants’ motion to dismiss in *Ragan* was granted in part and denied in part, *see* Dkt. 97 in 21-CV-7985; and


WHEREAS on August 2, 2023, the nominal Defendant, AppHarvest, Inc., filed a Notice of Suggestion of Bankruptcy and Automatic Stay of Proceedings, indicating that it filed a voluntary petition under Chapter 11, *see* Dkt. 29.

IT IS HEREBY ORDERED that the case against Defendant Appharvest, Inc., shall remain STAYED.

IT IS FURTHER ORDERED that by no later than **September 1, 2023**, Plaintiffs and the remaining Defendants must submit a joint letter proposing next steps.

**SO ORDERED.**

**Date: August 23, 2023**  
**New York, New York**

  
\_\_\_\_\_  
**VALERIE CAPRONI**  
**United States District Judge**